

# BRAIN INJURY RIGHTS GROUP

---

Address: 300 E 95<sup>th</sup> St., Suite #130 New York, NY 10128  
Telephone: 646.850.5035  
Website: [www.braininjuryrights.org](http://www.braininjuryrights.org)

September 26, 2022

**Via ECF**

Hon. Stewart D. Aaron  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

**Re:** *United States of America, ex rel. Patrick Donohue v. Carranza, et al.*,  
1:20-cv-05396 (GHW)(SDA)

Dear Judge Aaron,

As you may recall, the undersigned represents the Plaintiff-Relator, Patrick Donohue, in the above-referenced action. On September 19, 2022, Your Honor ordered the Plaintiff-Relator to file a letter no later than even date setting forth the status of the anticipated stipulations of voluntary dismissal and whether the United States has consented to the same, as well as stating which claims in his Second Amended Complaint shall remain against which Defendants. In addition, Your Honor asked Plaintiff-Relator to identify which parties have been served but have not yet appeared, as well as any parties that have not yet been served, and to state Plaintiff-Relator's intentions concerning each of the parties. [ECF No. 191].

***Stipulations of Voluntary Dismissal***

The Plaintiff-Relator has agreed to dismiss the claims against the California Defendants, specifically the Los Angeles Unified School District and its Superintendent, Austin Beutner, as well as the San Diego Unified School District and Superintendents Lamont A. Jackson and Cindy Marten (collectively, "the California Defendants"). The Plaintiff-Relator has obtained consent from the California Attorney General by and through Deputy Attorney General Rachel Coles, Esq. to voluntarily dismiss the State claims against those California Defendants.

The Plaintiff-Relator has obtained the consent of the United States Attorney General's Office to voluntarily dismiss the federal claims against the California Defendants by and through Assistant U.S. Attorney Rebecca S. Tirino, Esq.

At the request of Assistant U.S. Attorney General Ms. Tirino, the Relator includes the following position of the United States Attorney General's Office: "The United States of America consents to the voluntary dismissal of the Relator's claims under the federal False Claims Act - without prejudice to any claims of the United States—against Defendants Lamont A. Jackson, Cindy Marten, the San Diego Unified School District, Austin Beutner, and the Los Angeles Unified School District, because the United States does not intend to pursue the Relator's claims against those Defendants at this time."

The Relator has also agreed to dismiss the New York State and New York City claims against the New York Defendants, to wit, the New York City Department of Education, Buffalo Public Schools, and Niagara Public School District and their respective Superintendents (collectively, “the New York Defendants”). The Relator has sought the consent of the New York Attorney General’s Office to voluntarily dismiss the New York Defendants.

In response, the New York Attorney General’s office has informed us that it requires approximately two (2) additional weeks to evaluate the Relator’s claims and officially consent to same. Accordingly, the New York Attorney General, by and through Mr. Anthony Giacobbe, Esq. requests an additional two weeks to formally submit their consent to the voluntary dismissal. As such, the Plaintiff-Relator respectfully requests permission to update the Court no later than October 15, 2022, regarding the New York Attorney General’s position.

### ***Remaining Claims***

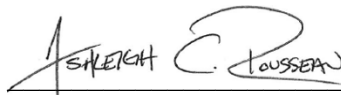
The Relator intends to pursue his federal False Claims Act (31 U.S.C. §3729-3733 (“FCA”)) claims against the remaining Defendants, to wit: the Massachusetts Department of Education, the Somerville Public School District, Mary Skipper, as Superintendent of the Somerville Public School District, Jeffrey C. Riley, as Superintendent of Massachusetts Department of Education; the Stamford Public School District, Tamu Lucero, as Superintendent of Stamford Public School District; Chicago Public School District, Jose M. Torres, Ph.D., as Superintendent of Chicago Public Schools; Camden City Public School District, Katrina McCombs, as Superintendent of Camden City School District; the Wake County Public School District, and Cathy Quiroz Moore as Superintendent of the Wake County Public School District.

The following Parties have not entered an appearance in this matter: the Niagara Falls Public School District and Superintendent Mark Laurie; the Massachusetts Department of Education and Superintendent Jeffrey C. Riley; the Somerville Public School District, and Superintendent Mary Skipper. As a further report regarding the New York Attorney General’s position is forthcoming, Relator respectfully requests permission to state its intentions concerning each of the aforementioned parties in its update to the Court to be submitted no later than October 15, 2022.

The Parties are currently scheduled to conference with the Court on October 3, 2022, at 11:00 AM via telephone. [ECF No. 191]. In light of the pending stipulations for California and New York Defendants, the Relator respectfully requests a short adjournment until after October 15, 2022, when the Relator intends to update the Court with regard to those Defendants that have not appeared, and file the stipulations regarding the New York and California Defendants.

The Plaintiff-Relator thanks the Court for its courtesies and attention herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "ASHLEIGH C. ROUSSEAU", written over a horizontal line.

Ashleigh C. Rousseau, Esq. (5801923)  
Brain Injury Rights Group, Ltd.  
*Attorneys for the Plaintiffs*  
300 E. 95<sup>th</sup> Street, #130

New York, New York 10128  
[ashleigh@pabilaw.org](mailto:ashleigh@pabilaw.org)